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PATENT

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop PETITION, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on November 24, 2004.

William R Allen

William R. Allen, Ph.D.

Reg. No. 48.389

Serial No.: 10/711,462  
Filed: September 20, 2004  
Art Unit: 3612  
Applicant(s): Bogdan Radu and David Dooley  
Title: DOOR TRIM BOLSTER WITH ELECTROLUMINESCENT LAMP AND INJECTION MOLDING METHOD OF MAKING SAME  
Atty. Docket: MASL-57  
Conf. No: 5461

Cincinnati, Ohio 45202

November 24, 2004

Mail Stop PETITION  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

PETITION UNDER 37 C.F.R. § 1.47(a)  
TO ACCEPT UNSIGNED DECLARATION

Applicant David Dooley, hereby petitions the U.S. Patent and Trademark Office to accept the previously submitted and unsigned Declaration by Bogdan Radu, a joint inventor refusing to join in the above-referenced application for patent. Attached is a Statement of Facts in support thereof.

As set out in the accompanying Statement of Facts and attached Exhibits, joint inventor David Dooley signed and submitted a Declaration in conjunction with the filing of the above-referenced application. This Declaration was submitted without the signature of joint inventor Bogdan Radu. Mr. Radu was presented with the patent application along with a Declaration for execution. As evidenced by the letter from Mr. Radu's counsel requesting that we refrain from contacting him and the failure of Mr. Radu to return an executed Declaration after the application and Declaration were presented to him through Mr. Radu's counsel, Mr. Radu refuses to sign and join in the application for patent. In view thereof, Applicants request acceptance of this petition to preserve their rights or to prevent irreparable damage.

This is authorization for the Commissioner to charge \$200.00 for the petition fee to Deposit Account 23-3000. Applicants believe that no other fees are due in connection with this petition. However, if such petition is due or any other fees are necessary, the Commissioner may consider this to be a request for such and charge any necessary fees to deposit account 23-3000.

Respectfully submitted,

WOOD, HERRON & EVANS, L.L.P.

*William R. Allen*

\_\_\_\_\_  
William R. Allen, Ph.D.  
Reg. No. 48,389

2700 Carew Tower  
441 Vine Street  
Cincinnati, OH 45202  
(513) 241-2324  
1.47a petition.wpd



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Serial No.: 10/711,462  
Filed: September 20, 2004  
Art Unit: 3612  
Applicant(s): Bogdan Radu and David Dooley  
Title: DOOR TRIM BOLSTER WITH ELECTROLUMINESCENT LAMP AND  
INJECTION MOLDING METHOD OF MAKING SAME  
Atty. Docket: MASL-57  
Conf. No: 5461

Cincinnati, Ohio 45202

November 24, 2004

the specification of which:

- (a)  is attached hereto
- (b)  was filed on September 20, 2004, and was accorded Application Serial No. 10/711,462.
- (c)  was described and claimed in International Application No. \_\_\_\_\_ filed on \_\_\_\_\_ and as amended on \_\_\_\_\_  
*(If any).*

**STATEMENT OF FACTS IN SUPPORT OF FILING  
ON BEHALF OF NON-SIGNING INVENTOR (37 CFR §1.47a)**

This statement is being made to provide proof of the pertinent facts establishing the efforts made to obtain execution of a Declaration by Bogdan Radu, the non-signing joint inventor, and his refusal to sign same for the above-identified patent application. Accordingly, this action is necessary to preserve the rights of the parties or to prevent irreparable damage.

This statement is being made by the available person having first-hand knowledge of the facts recited therein.

**IDENTIFICATION OF PERSON MAKING THIS STATEMENT OF FACTS**

Name: William R. Allen

Address: Wood, Herron & Evans, L.L.P.  
2700 Carew Tower  
441 Vine Street  
Cincinnati, Ohio 45202

**LAST KNOWN ADDRESS OF THE NON-SIGNING INVENTOR**

Name of non-signing inventor: Bogdan Radu

Last known address of non-signing inventor: 16011 Knollwood Drive, Dearborn, Michigan 48120

**STATEMENT OF FACTS**

I am a patent attorney for the law firm of Wood, Herron & Evans, LLP. On or about June 22, 2004, I began corresponding with Bogdan Radu to enable me to prepare the above-referenced and now filed U.S. patent application. At that time, Mr. Radu was an employee of Lear Corporation and understood to be a joint inventor of the application, along with David Dooley.

Between June 22, 2004 and August 19, 2004, Mr. Radu and I had several telephone discussions regarding the preparation of the patent application. On August 19, 2004, I received a letter from Mr. Radu's newly hired counsel, Karen Smith Kienbaum, as an attachment to an e-mail, requesting that we immediately cease all contact with Mr. Radu. A copy of this correspondence is attached as Exhibit A.

After receiving the letter from Ms. Kienbaum on August 19, 2004, I proceeded to work with the other joint inventor, Mr. David Dooley, to complete the application. On September 17, 2004, an executed Declaration was obtained from joint inventor David Dooley. A

copy of the executed Declaration is attached hereto as Exhibit B. Shortly thereafter, the U.S. application was filed with the U.S. Patent & Trademark Office on September 20, 2004 along with the Declaration of Exhibit B unsigned by Mr. Radu.

A copy of the patent application and a Declaration were forwarded along with a letter to Mr. Radu's counsel on October 26, 2004 requesting execution of the Declaration by Bogdan Radu. This letter further requested that the executed Declaration be received by November 19, 2004. A copy of the letter is attached as Exhibit C, which also includes a copy of a signed delivery receipt. To date, I have received neither a response to my letter nor a signed Declaration.

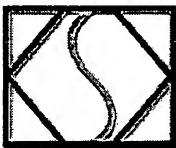
In view of the above, it is hereby requested that the U.S. Patent & Trademark Office accept the previously submitted Declaration of David Dooley, unsigned by Bogdan Radu, in accordance with 37 C.F.R. 1.47(a). Acceptance is required to preserve the Applicant's rights and to prevent irreparable damage which will result if the above-referenced application becomes abandoned.

Date: 24 November 2004

William R. Allen  
William R. Allen, Ph.D.  
Reg. No. 48,389



A law practice emphasizing Labor, Employment  
and Alternate Dispute Resolution (ADR)



KAREN SMITH KIENBAUM & ASSOCIATES  
400 Monroe, Suite 470, Detroit, MI 48226  
313 967-0700/fax 313 967-0244/www.ksklaw.com

August 19, 2004

**Transmitted by Email**

Stephen W. Benintendi, Esq.  
WOOD, HERRON AND EVANS  
2700 Carew Tower  
441 Vine Street  
Cincinnati, OH 45202-2917

**CONFIDENTIAL**

***Re: Mr. Bogdan Radu***

Dear Mr. Benintendi,

Our office represents Mr. Bogdan Radu (patent applications #04961, #04962, #04981). Your client LEAR CORPORATION has recently terminated Mr. Radu. Therefore, because LEAR no longer employs Mr. Radu, we ask that your office refrain from contacting him regarding any of his patent submissions, or for any other matter. Hopefully Mr. Radu will be able to work out an agreement with LEAR that will allow him to continue to work with you and your firm as a consultant regarding any pending patents.

Thank you in advance for your anticipated cooperation. If you have any questions please feel free to contact my office at (313) 967-0700. If I am not available please speak with my colleague, Darren Burmania.

Sincerely,

KAREN SMITH KIENBAUM & ASSOCIATES

Karen Smith Kienbaum

KSK:lmm



Attorney Docket No. MASL-57

## **DECLARATION, POWER OF ATTORNEY, AND PETITION**

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

# DOOR TRIM BOLSTER WITH ELECTROLUMINESCENT LAMP AND INJECTION MOLDING METHOD OF MAKING SAME

the specification of which (check one below):

is attached hereto.

was filed on \_\_\_\_ as Application Serial No. \_\_\_\_ or Express Mail No. \_\_\_\_ , and was amended on \_\_\_\_ (if applicable).

was filed on \_\_\_\_ as PCT International Application No. \_\_\_\_ , and as amended under PCT Article 19 on \_\_\_\_ (if any).

I have reviewed and understand the contents of the specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations §1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, §119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Prior Foreign Application(s)			Priority Claimed?
(Number)	(Country)	Day/Month/Year Filed	( ) Yes ( ) No
			( ) Yes ( ) No
			( ) Yes ( ) No
			( ) Yes ( ) No

I hereby claim the benefit under Title 35, United States Code, §120 and/or §119(e) of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations §1.56, which became available between the filing date of the prior application and the national or PCT international filing date of this application.

(Serial No.)	(Filing Date)	(Status: Patented, Pending, or Abandoned)

I appoint the practitioners associated with the customer number 37,690 to be my attorneys or agents, with full power of substitute and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith.

Address all correspondence and telephone calls to

William R. Allen, Ph.D.

Address of customer number 37,690  
 Telephone (513) 241-2324  
 Facsimile (513) 241-6234

I request that the United States Patent and Trademark Office grant a U.S. patent for the invention described and claimed in the specification identified above.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

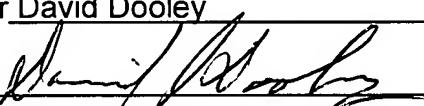
Full name of Inventor Bogdan Radu

Inventor's Signature \_\_\_\_\_ Date \_\_\_\_\_

Residence City/State Dearborn, Michigan 48120 Citizenship Canada

Post Office Address 16011 Knollwood Drive, Dearborn, Michigan 48120

Full name of Inventor David Dooley

Inventor's Signature  Date 9/17/04

Residence City/State Troy, Michigan 48098 Citizenship U.S.

Post Office Address 5741 Firwood Drive, Troy, Michigan 48098



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Sent To	Karen Smith Kienbaum, Esq.	
Street, Apt. No.,		
or PO Box No.	400 Monroe, Suite 470	
City, State, ZIP+4	Detroit, Michigan 48226	

PS Form 3800, June 2002

See Reverse for Instructions

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- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Karen Smith Kienbaum, Esq.  
400 Monroe, Suite 470  
Detroit, Michigan  
48226

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature

X. *Linda M*

Agent  
 Addressee

B. Received by (Printed Name)

LISA McMurtry

C. Date of Delivery

10/28/04

D. Is delivery address different from item 1?  Yes

If YES, enter delivery address below:  No

3. Service Type

Certified Mail  Express Mail  
 Registered  Return Receipt for Merchandise  
 Insured Mail  C.O.D.

4. Restricted Delivery? (Extra Fee)  Yes

2. Article Number

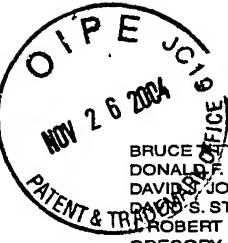
(Transfer from service label) 100410550100013918194971

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

**BEST AVAILABLE COPY**



# WOOD, HERRON & EVANS, L.L.P.

BRUCE A. KETEL  
DONALD F. FREI  
DAVID S. JOSEPHIC  
RAYMOND S. STALLARD  
ROBERT CHAMBERS  
GREGORY J. LUNN  
KURT L. GROSSMAN  
CLEMENT H. LUKEN, JR.  
THOMAS J. BURGER  
GREGORY F. AHRENS  
WAYNE L. JACOBS  
KURT A. SUMME  
KEVIN G. ROONEY  
KEITH R. HAUPT  
THEODORE R. REMAKLUS  
THOMAS W. HUMPHREY  
SCOTT A. STINEBRUNER  
DAVID H. BRINKMAN  
BEVERLY A. LYMAN, Ph. D.

OF COUNSEL  
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WEBSITE: [www.whepatent.com](http://www.whepatent.com)

PATENT, TRADEMARK, COPYRIGHT  
AND UNFAIR COMPETITION LAW  
AND RELATED LITIGATION

EDMUND P. WOOD 1923-1968  
TRUMAN A. HERRON 1935-1976  
EDWARD B. EVANS 1936-1971

JOSEPH R. JORDAN  
C. RICHARD EBY  
DAVID E. PRITCHARD

J. DWIGHT POFFENBERGER, JR.  
KATHRYN E. SMITH  
KRISTI L. DAVIDSON  
P. ANDREW BLATT, Ph. D.  
DAVID E. JEFFERIES  
WILLIAM R. ALLEN, Ph. D.  
JOHN PAUL DAVIS  
DOUGLAS A. SCHOLER  
BRETT A. SCHATZ  
DAVID W. DORTON  
SARAH OTTE GRABER  
WESLEY L. STRICKLAND\*  
STEVEN W. BENINTENDI, Ph. D.  
RANDALL S. JACKSON, JR.

\*ADMITTED ONLY IN D.C. AND VA

October 26, 2004

**Certified Mail**  
**Return Receipt Requested**

Karen Smith Kienbaum, Esq.  
Karen Smith Kienbaum & Associates  
400 Monroe  
Suite 470  
Detroit, MI 48226

Re: Mr. Bogdan Radu  
Patent Application No. 10/711,462, filed 9/20/2004  
**DOOR TRIM BOLSTER WITH ELECTROLUMINESCENT LAMP  
AND INJECTION MOLDING METHOD OF MAKING SAME**  
Our ref: MASL-57; Lear No. 05015

Dear Ms. Kienbaum:

Your correspondence to us, dated August 19, 2004, requested we refrain from contacting Mr. Radu regarding any of his patent submissions, or for any other matter. Accordingly, I am contacting you as legal counsel for Bogdan Radu and trust that you will promptly communicate this to your client.

As you are aware, Bogdan Radu is currently named as an inventor in the above-identified patent application (copy enclosed). As such, please also find enclosed a Declaration, and an Assignment for execution by Mr. Radu. Finally, we have enclosed a document entitled §1.56 Duty to Disclose Information Important to Patentability which needs to be initialed by Mr. Radu. Please note that the §1.56 Duty to Disclose Information Important to Patentability form explains the importance of disclosing to us all information known by Mr. Radu that may be relevant to the invention so that we may forward it, as required, to the U.S. Patent and Trademark Office.

Karen Smith Kienbaum, Esq.  
October 26, 2004  
Page 2

In view of the recent filing of this patent application, the enclosed Declaration and Assignment must now be executed and filed with the U.S. Patent and Trademark Office. It is our understanding that Mr. Radu is required to assign his rights in this application to Lear Corporation (see enclosed "Employee Confidential Information and Intellectual Property Agreement").

Kindly attend to the execution of the enclosed documents by Mr. Radu. Prior to his execution of the Declaration and the Assignment, please verify that his information is correct as presented on the documents. When Mr. Radu executes these documents, be sure that blue ink is used. Please also note that the Assignment must be notarized.

Please forward the executed documents to us so that we receive them no later than Friday, November 19, 2004. You may fax the documents to my attention at the number listed above, and send the executed originals via regular mail.

If you have any questions, please do not hesitate to call.

Very truly yours,

*William R. Allen*

William R. Allen, Ph.D.

WRA:sad  
Enclosures  
cc (via e-mail): Larry I. Shelton, Esq. (w/o enclosures)  
Kevin G. Rooney, Esq. (w/o enclosures)



Attorney Docket No. MASL-57

**DECLARATION, POWER OF ATTORNEY, AND PETITION**

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

**DOOR TRIM BOLSTER WITH ELECTROLUMINESCENT LAMP  
AND INJECTION MOLDING METHOD OF MAKING SAME**

the specification of which (check one below):

is attached hereto.

was filed on September 20, 2004 as Application Serial No. 10/711,462 or Express Mail No.   , and was amended on    (if applicable).

was filed on    as PCT International Application No.   , and as amended under PCT Article 19 on    (if any).

I have reviewed and understand the contents of the specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations §1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, §119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Prior Foreign Application(s)			Priority Claimed?
(Number)	(Country)	Day/Month/Year Filed	( ) Yes ( ) No
			( ) Yes ( ) No
			( ) Yes ( ) No
			( ) Yes ( ) No

I hereby claim the benefit under Title 35, United States Code, §120 and/or §119(e) of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations §1.56, which became available between the filing date of the prior application and the national or PCT international filing date of this application.

(Serial No.)	(Filing Date)	(Status: Patented, Pending, or Abandoned)
(Serial No.)	(Filing Date)	(Status: Patented, Pending, or Abandoned)
(Serial No.)	(Filing Date)	(Status: Patented, Pending, or Abandoned)

I appoint the practitioners associated with the customer number 37,690 to be my attorneys or agents, with full power of substitute and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith.

Address all correspondence and telephone calls to

William R. Allen, Ph.D.

Address of customer number 37,690  
 Telephone (513) 241-2324  
 Facsimile (513) 241-6234

I request that the United States Patent and Trademark Office grant a U.S. patent for the invention described and claimed in the specification identified above.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of Inventor Bogdan Radu

Inventor's Signature \_\_\_\_\_ Date \_\_\_\_\_

Residence City/State Dearborn, Michigan 48120 Citizenship Canada

Post Office Address 16011 Knollwood Drive, Dearborn, Michigan 48120

Full name of Inventor David Dooley

Inventor's Signature \_\_\_\_\_ Date \_\_\_\_\_

Residence City/State Troy, Michigan 48098 Citizenship U.S.

Post Office Address 5741 Firwood Drive, Troy, Michigan 48098

## ASSIGNMENT OF INVENTION AND PATENTS THEREON

WHEREAS, I (we), **Bogdan Radu** of **16011 Knollwood Drive, Dearborn, Michigan 48120**; and **David Dooley** of **5741 Firwood Drive, Troy Michigan 48098** have invented a new and improved **DOOR TRIM BOLSTER WITH ELECTROLUMINESCENT LAMP AND INJECTION MOLDING METHOD OF MAKING SAME**, for which I (we) executed an application for Letters Patent of the United States on \_\_\_\_\_ and September 17, 2004, respectively.

I (we) hereby grant the firm of **Wood, Herron & Evans, L.L.P.**, the power to insert in this Assignment any further identification or information, including Declaration execution date(s) (above), Serial No. and/or Filing date in spaces that follow, which may be necessary or desirable in order to comply with the rules of the United States Patent and Trademark Office for recordation of this document.

Serial No.: 10/711,462      Filing Date: September 20, 2004

WHEREAS, **Lear Corporation**, a corporation organized under the Laws of the State of Delaware and having its principal office at **21557 Telegraph Road, Southfield, Michigan 48034** desires to acquire the entire interest in and to the subject-matter disclosed in said application and in and to all patents issued or to be issued thereon.

NOW, THEREFORE, to all whom it may concern, be it known that, for and in consideration of the sum of One Dollar to me (us) in hand paid, and other good and valuable consideration, the receipt of which is hereby acknowledged, I (we) have sold, assigned and transferred, and by these presents do sell, assign and transfer unto the said **Lear Corporation** my (our) entire right, title and interest in and to the subject-matter disclosed in said application and in and to all Letters Patent Domestic and Foreign issued or to be obtained thereon, including all rights and interests with priority rights under the Paris Convention for the Protection of Industrial Property, the International Patent Cooperative Union, European Patent Convention, Common Market Convention, or any other Convention or Union for each country of said Convention or Union; and I do hereby authorize and request the Commissioner of Patents to issue the Letters Patent granted on said application and all future patents granted upon the subject-matter disclosed therein to the above named Assignee, its legal representatives and assigns.

Witness my hand this \_\_\_\_\_ day of \_\_\_\_\_, 2004.

---

**Bogdan Radu, Inventor**

STATE OF \_\_\_\_\_ )  
COUNTY OF \_\_\_\_\_ ) ss.

On this \_\_\_\_\_ day of \_\_\_\_\_, 2004, before me personally appeared **Bogdan Radu**, to me known and known to me to be the **Individual** aforesaid, who duly acknowledged the signing of the foregoing instrument to be his voluntary act and deed and who executed the same for the uses and purposes therein specified.

---

Notary Public

(Seal)

Witness my hand this \_\_\_\_\_ day of \_\_\_\_\_, 2004.

---

**David Dooley, Inventor**

STATE OF \_\_\_\_\_ )  
COUNTY OF \_\_\_\_\_ ) ss.

On this \_\_\_\_\_ day of \_\_\_\_\_, 2004, before me personally appeared **David Dooley**, to me known and known to me to be the **Individual** aforesaid, who duly acknowledged the signing of the foregoing instrument to be his voluntary act and deed and who executed the same for the uses and purposes therein specified.

---

Notary Public

(Seal)



Door Trim Bolster With Electroluminescent Lamp and Injection Molding Method of Making Same  
Bogdan Radu and David Dooley  
Lear No. 05015; WHE Ref. No. MASL-57

### §1.56 Duty To Disclose Information Material To Patentability

(a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is cancelled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is cancelled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine; (1) prior art cited in search reports of a foreign patent office in a counterpart application, and (2) the closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.

(b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and

(1) it establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim; or

(2) it refutes, or is inconsistent with, a position the applicant takes in:

(i) opposing an argument of unpatentability relied on by the Office, or

(ii) asserting an argument of patentability. A prima facie case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the



specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

(c) Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:

- (1) each inventor named in the application;
- (2) each attorney or agent who prepares or prosecutes the application; and
- (3) every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.

(d) Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent, or inventor.

#### INFORMATION OF INTEREST TO EXAMINER

- (1) Any knowledge of the subject matter by persons other than the inventors prior to the date of invention.
- (2) Patents granted more than one year prior to the filing date or filed in the Patent and Trademark Office before the date of invention.
- (3) Publications printed more than one year prior to the filing date or filed in the Patent and Trademark Office before the date of invention.
- (4) A public use, sale or offer for sale more than one year prior to the filing date of the application.

If you are aware of any prior knowledge but are not certain as to whether or not it must be called to the attention of the Examiner, please advise me. Please err on the side of telling me more than I need to know.

Inventor Initials      Date

\_\_\_\_\_

\_\_\_\_\_

No material information to report at this time.

\_\_\_\_\_

\_\_\_\_\_

Material information attached.

(Inventor, please initial and return to William R. Allen, Wood, Herron & Evans, L.L.P., 2700 Carew Tower, Cincinnati, OH 45202)



## EMPLOYEE CONFIDENTIAL INFORMATION

AND

## INTELLECTUAL PROPERTY AGREEMENT

In accord with company policy applicable to me and employees in comparable positions, and in consideration of my employment or continuation of employment by Lear Corporation, Manufacturing Operations Division, or any of its subsidiary or affiliated Companies (hereinafter for convenience referred to as "Lear"), I agree as follows:

All improvements, inventions, designs, and useful ideas conceived or made by me during my employment, or for three (3) years following my employment if based upon information I learned during my employment, which relate in any way to Lear's business shall be disclosed promptly in writing, drawing, or other tangible form to Lear and shall be its exclusive property. When requested, I agree to return to Lear all tangible embodiments therein together with all copies thereof and to execute applications, assignments, and other instruments to convey to Lear the exclusive right, title, and interest therein, and to render all other assistance which Lear deems necessary to make application for and obtain patents, trademarks or copyrights in the United States and other countries. This obligation shall continue beyond the term of my employment as to improvements, inventions, designs, and useful ideas conceived or made during the periods specified above.

I also agree that I will not, either during or after my employment, disclose or use any confidential or secret information pertaining to Lear's business, without permission of Lear in writing, nor otherwise engage in any activity detrimental to Lear's interests.

ACCEPTED \_\_\_\_\_  
Lear Representative

SIGNED Reed Boyd  
Employee

DATE \_\_\_\_\_

DATE 17 Oct 2001